

THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO

CHELSEA SCHMALENBERG,)	Case No.: 1:18-CV-99
)	
<i>Plaintiff,</i>)	JUDGE TIMOTHY S. BLACK
)	
vs.)	
)	
DYSPHAGIA MANAGEMENT)	<u>JOINT MOTION FOR APPROVAL</u>
SYSTEMS, LLC, <i>et al.</i> ,)	<u>TO FILE SETTLEMENT</u>
)	<u>DOCUMENTS UNDER SEAL</u>
<i>Defendants.</i>)	

Pursuant to Local Rule 5.2.1(a), now come Plaintiff Chelsea Schmalenberg (“Plaintiff”) and Defendants Dysphagia Management Systems, LLC (“DMS”) and Carol Winchester (collectively referred to as the “Defendants”) (Plaintiff and Defendants will collectively be referred to as the “Parties”), and respectfully move this Court for an Order allowing them to file under seal their Joint Motion for Approval of Settlement and Stipulation of Dismissal With Prejudice, and their Settlement Agreement and Release (“Settlement”).

The Parties state that Plaintiff initiated this action against Defendants under Section 16(b) of the Fair Labor Standards Act (“FLSA”), 29 U.S.C. §216(b), and Section 1333 of Title 28, as well as the Court’s supplemental jurisdiction under 28 U.S.C. Section 1367. Defendants denied the allegations in the Complaint and DMS asserted a Counterclaim against Plaintiff. The Parties subsequently engaged in protracted negotiations that culminated in an amicable resolution of their differences, and that one of the conditions of the Parties’ settlement agreement is that the terms of their Settlement remain confidential. Since this matter involves wage and hour claims

under the FLSA, the Parties need to seek the Court's approval of their Settlement and file the terms of such with the Court.

The Parties represent that the public interest would not be served by disclosure of the terms of their Settlement, and that allowing them to file their settlement papers under seal will facilitate resolution of their dispute, allow them to complete their Settlement, and allow the Court to dispose of the matter in an expeditious manner without the need for a trial.

Accordingly, the Parties respectfully request that the Court grant their Joint Motion and allow them to file under seal their Joint Motion for Approval of Settlement and Stipulation of Dismissal With Prejudice, and their Settlement Agreement and Release, for good cause show.

A proposed Order is attached as Exhibit A.

Respectfully submitted,

/s/ Cori R. Besse

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CERTIFICATE OF SERVICE

A copy of the foregoing was filed electronically on October 22, 2018. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system.

/s/ Joel R. Hlavaty

Attorney for Defendants